S.B. Cr. Bail Application No. 5933/2007
(Ghanshyam Das Vs. State of Rajasthan)

Date of order : 13.12.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. P.D.Vaishnav for the petitioner.
Mr. Ashok Upadhyay, P.P.
Mr. Roopsingh Sen for the complainant

Heard learned counsel for the petitioner and public prosecutor for the State as also the counsel appearing for the complainant. Perused the order impugned and police investigation diary.

Learned counsel for the petitioner submits that the power of attorney was executed in favour of the complainant which was cancelled and thereafter the complainant sold his plot to Chainsingh.

Learned public prosecutor opposed the bail application and contended that the plot No.15 was sold by the petitioner to first-informant Mohd. Ishaq by an agreement to sale and a sum of Rs. 70,000/- has been received at the time of executing the document on 29.10.1999 and thus the plot in question on the relevant date had already been sold to the first informant and the same plot has again been sold by the

petitioner. The execution of agreement to sale has not been disputed and it bears the signature of the petitioner. In my view, it is not a fit case to release the petitioner on anticipatory bail.

The bail application filed by the petitioner under Section 438 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

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